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RELATING TO WATER; REQUIRING THAT A MEMBER OF A NEW MEXICO INDIAN TRIBE OR PUEBLO COMMISSIONER BE APPOINTED TO THE INTERSTATE STREAM COMMISSION AND THE WATER QUALITY CONTROL COMMISSION; AMENDING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 72-14-1 NMSA 1978 (being Laws 1935, Chapter 25, Section 1, as amended) is amended to read:

"72-14-1. INTERSTATE STREAM COMMISSION--CREATION--MEMBERSHIP--ORGANIZATION.--There is created the "interstate stream commission" consisting of nine members, eight appointed by the governor for a term of six years and the ninth member to be the state engineer. The members appointed by the governor shall be representative of major irrigation districts or sections, and no two members shall be appointed from the same irrigation district or section. The governor shall appoint at least one member of a New Mexico Indian tribe or pueblo to the commission. The commission shall elect a chairman, and the state engineer shall be the secretary."

Section 2. Section 74-6-3 NMSA 1978 (being Laws 1967, Chapter 190, Section 3, as amended by Laws 2001, Chapter 246, Section 14 and by Laws 2001, Chapter 267, Section 1) is amended to read:

"74-6-3. WATER QUALITY CONTROL COMMISSION CREATED.--

A. There is created the "water quality control commission" consisting of:

- (1) the secretary of environment or a member of his staff

designated by him;

(2) the director of the department of game and fish or a member of his staff designated by him;

(3) the state engineer or a member of his staff designated by him;

(4) the chairman of the oil conservation commission or a member of his staff designated by him;

(5) the director of the state parks division of the energy, minerals and natural resources department or a member of his staff designated by him;

(6) the director of the New Mexico department of agriculture or a member of his staff designated by him;

(7) the chairman of the soil and water conservation commission or a soil and water conservation district supervisor designated by him;

(8) the director of the bureau of geology and mineral resources at the New Mexico institute of mining and technology or a member of his staff designated by him;

(9) a municipal or county government representative; and

(10) three representatives of the public to be appointed by the governor for terms of four years and who shall be compensated from the budgeted funds of the department of environment in accordance with the provisions of the Per Diem and Mileage Act. At least one member appointed by the governor shall be a member of a New Mexico Indian tribe or pueblo.

B. A member of the commission shall not receive, or shall not have

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received during the previous two years, a significant portion of his income directly or indirectly from permit holders or applicants for a permit. A member of the commission shall, upon the acceptance of his appointment and prior to the performance of any of his duties, file a statement of disclosure with the secretary of state disclosing any amount of money or other valuable consideration, and its source, the value of which is in excess of ten percent of his gross personal income in each of the preceding two years, that he received directly or indirectly from permit holders or applicants for permits required under the Water Quality Act. A member of the commission shall not participate in the consideration of an appeal if the subject of the appeal is an application filed or a permit held by an entity that either employs the commission member or from which the commission member received more than ten percent of his gross personal income in either of the preceding two years.

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C. The commission shall elect a chairman and other necessary officers and shall keep a record of its proceedings.

D. A majority of the commission constitutes a quorum for the transaction of business, but no action of the commission is valid unless concurred in by six or more members present at a meeting.

E. The commission is the state water pollution control agency for this state for all purposes of the federal act and the wellhead protection and sole source aquifer programs of the federal Safe Drinking Water Act and may take all action necessary and appropriate to secure to this state, its political subdivisions or interstate agencies the benefits of that act and those programs.

F. The commission is administratively attached, as defined in the Executive Reorganization Act, to the department of environment."

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, ~~2003~~

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